



STATE OF HAWAII
DEPARTMENT OF HEALTH
4348 Waialae Avenue, #648
Honolulu, Hawaii 96816



Medical Use of Marijuana

Physicians - Frequently Asked Questions

Physician Licensing, Registration and Certification

Do I need to be licensed in the State of Hawaii to certify a patient for the Medical Marijuana Program? **YES** – A certifying physician must be a Hawaii-licensed physician (Medical Doctor or Doctor of Osteopathy) who holds a current and valid license with authority to prescribe drugs and who is registered with the Department of Public Safety to prescribe controlled substances.

Do I have to register with DOH as a certifying physician? **NO** – Until DOH finalizes the online application system, there is no need or requirement for physicians to register directly with DOH. More information on the future online system will be forthcoming.

Is my certification of the patient's debilitating medical condition good indefinitely? **NO** – certifications are only good for 12 months. A patient must renew their registration in the Medical Marijuana Program annually and a new certification is required from the physician.

Can I write my own certification for my patient? **NO** – for the purposes of the Medical Marijuana Program, the physician's written certification is part of the application. Only the correctly and fully completed DOH Medical Marijuana Program Application Form with required signatures that is submitted online and hard copy will be considered by DOH as the required written certification.

Can I charge my services to insurance? **NO** – insurance is not applicable to the Medical Use of Marijuana ([Section 329-124, HRS](#)).

Patient Relationship

Do I need to maintain a relationship with the patients that I certify? **YES** – Certifying physicians should have a bona fide physician-patient relationship with a qualifying patient and be the qualifying patient's primary care physician as defined for this program.

In the proposed DOH Administrative Rules, which DOH anticipates will be heard in public hearing in early 2015, a "bona fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying patient's debilitating medical condition with respect to the medical use of marijuana which means:

1. The physician has completed a full assessment of the qualifying patient's medical history and current medical condition, including conducting a review of the qualifying patient's medical records related to the debilitating condition and conducting an in-person physical examination;
2. The physician provides follow up care and treatment to the qualifying patient and assesses the qualifying patient's condition during the course of the qualifying patient's medical use of marijuana; and
3. The physician maintains records of the qualifying patient's treatment and condition in accordance with medically accepted standards.

If I am not a patient's primary care physician as defined for insurance purposes, can I still certify a patient for the Medical Marijuana Program? **YES** – In the proposed DOH Administrative Rules, which DOH anticipates will be heard in public hearing in early 2015, a "primary care physician" means a physician who has primary responsibility for the care and treatment of a qualifying patient with respect to the medical use of marijuana to treat the qualifying patient's debilitating condition and who has a bona fide physician-patient relationship with the qualifying patient. The qualifying patient/applicant must name their primary care physician for the medical use of marijuana on the application.

Application Procedure

Do I have to submit the application for the patient? **YES** – All applications are to be submitted to DOH by physicians both online AND with a mailed hard copy with signatures and copies of required IDs. This interim online application system will require the physician to electronically enter the patient's payment information (credit card, debit card, or bank information for an electronic payment) or if this is not possible; mail in the patient's certified check or money order.

Will the patient's registration card be mailed directly to patient? **NO** – for the time being, the registration card will be mailed by DOH back to the certifying physician because it must be signed by the physician. The physician will then give the signed Registration Card to their patient.

As the certifying physician, do I have to recommend specific amounts of marijuana as I would for a prescription or regulate how much medical marijuana my patient uses? **NO** – A certifying physician must 1) certify that, in the physician's professional opinion, the qualifying patient has a debilitating medical condition and that 2) the potential benefits of the medical use of marijuana would likely outweigh the health risks for the qualifying patient.

Medical Marijuana Application Forms, Worksheets and Instructions:

Both the application worksheet and application worksheet instructions are for your information only and should not be submitted to DOH. Only the Application Packet, as referenced above, should be submitted to DOH effective January 2, 2015.

[Medical Use of Marijuana Applicant Certification Form](#)

[Application Packet Checklist](#)

[Application Worksheet](#)

[Application Worksheet Instructions](#)

Physician Certifications and the Law

As a certifying physician, am I protected from arrest or prosecution, penalization in any manner, or be denied any right or privilege for providing written certification for the Medical Use of Marijuana to a qualifying patient? Under Hawaii law ([Section 329-126, HRS](#)), no physician shall be subject to arrest or prosecution, penalized in any manner, or denied any right or privilege for providing written certification for the medical use of marijuana for a qualifying patient provided that:

1. The physician has diagnosed the patient as having a debilitating medical condition as defined in section [329-121](#);
2. The physician has explained the potential risks and benefits of the medical use of marijuana, as required under section [329-122](#);
3. The physician's written certification is based upon the physician's professional opinion after having completed a full assessment of the patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship; and
4. The physician has complied with all registration requirements of section [329-123](#).

DOH will not comment on federal law applicability or enforcement and recommends physicians consult with their own legal counsel and/or legal counsel for any health care facility with which the physicians may be affiliated.

Debilitating Medical Conditions

Is the list of "debilitating medical conditions" limited? **YES** – As defined in section 121 of [HRS-329](#), a qualifying debilitating medical condition includes "cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions" or "a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: Cachexia or wasting syndrome, severe pain, severe nausea, seizures, including those characteristic of epilepsy, or severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease."

Has the list of debilitating medical conditions ever changed since the program began in 2000? **NO** – it has not.

Is there a way to add a debilitating medical condition that is not currently stated in the law? In the proposed DOH Administrative Rules, which DOH anticipates will be heard in public hearing in early 2015, a process for department approved conditions has been outlined. More information in this regard will be provided when it becomes available.